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25920	7590	11/03/2008	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP			WANG, KENT F	
710 LAKEWAY DRIVE			ART UNIT	PAPER NUMBER
SUITE 200				2622
SUNNYVALE, CA 94085			MAIL DATE	DELIVERY MODE
			11/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6-11, 13-15 and 17-32 rejected under 35 U.S.C. § 103(a) have been considered but are not persuasive.
2. The applicant amended claim 1 as follow:

“adjusting image capture device parameters according to bit values of the depth mask prior to capturing a subsequent corresponding image for one or more of a sequence of captured image frames of the scene, wherein the image capture device parameters are selected from one of focus, brightness, exposure or gain, and the adjusting of the image capture device parameters being done independently in the foreground from the background.”

In response to applicant's amendment, it is noted that the amendment on claim 1 proposed by applicant change from “adjusting image capture device parameter and generate a depth mask of the scene for segmentation of foreground and background regions prior to capture an image of the scene corresponding to the depth mask” to “adjusting image capture device parameter and generate a depth mask of the scene for segmentation of foreground and background regions not prior the capture an image of the scene corresponding to the depth mask”. Therefore the proposed amendment raises new issues that would require further consideration and search. And because claim 6 has been amended in a similar manner as

claim 1, this claim is also raising new issues that would require further consideration and search too.

3. As for claim 9, the applicant argues that the main subject detection unit 208 in the Parker reference does not actually adjust pixel values in any meaningful sense. The examiner understands the applicant's arguments but respectfully disagrees with the applicant's assessment. In response to applicant's argument, it is noted that Parker reference discloses a main subject detection unit 208, operating on processed digital image data, generates a belief map that provides a measure of the relative importance of different regions in the image, such as subjects and background. The method used by the main subject detection unit 208 for calculation of belief map provides a measure of saliency or relative importance for different regions that are associated with different subjects in an image in the form of a belief map and the belief map 209 is produced by assigning continuum of belief values to pixels in an image (4:16-5:67 and 7:54-9:34, Parker). Thus Parker reference does teach the main subject detection unit 208 adjust pixel values in a boarder sense.
4. With respect to claims, 2-4, 7-8, 10-11, 13-15, and 17-32, the examiner believes his office action of 08/21/2008 is proper and accurate. Applicant's arguments are not convincing.

*Inquiry*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/  
Primary Examiner, Art Unit 2622

KW  
30 Oct, 2008